

CHAPTER 4

SCOPING, CONSULTATION, AND COORDINATION

4.1 INTRODUCTION

An integral part of the environmental compliance process for this project has been a comprehensive effort to consult and coordinate with relevant agencies and the public. The intent throughout the process has been to communicate with the public and agencies, identify and incorporate their issues into the planning and decision-making process, and address the issues in appropriate documentation. This comprehensive effort of consultation and coordination has been accomplished through three primary means: (1) agency and public scoping, (2) direct agency contact to obtain technical information, and (3) CWG.

4.2 FEDERAL SCOPING PROCESS

4.2.1 Notification

The NEPA process for the Southern Intertie Project began with the publication of a Notice of Intent in the *Federal Register* by the RUS on October 9, 1996. The notice announced RUS' intent to prepare an EIS for the Project and the schedule for the three public scoping meetings. Newsletters were mailed to individuals and organizations on the Project mailing list. The intent of the notification process was to inform all potentially affected Alaska residents. Approximately 66,500 utility bill inserts were mailed to all electric consumers within the HEA and AML&P service areas. CEA customers were notified twice through notifications placed in the *Chugach Outlet* included in their monthly billing statements. Advertisements were placed in newspapers throughout the state, including the *Anchorage Daily News*, *Alaska Journal of Commerce*, *Alaska Star*, *Frontiersman*, *Homer News*, *Homer Tribune*, *Peninsula Clarion*, and *Seward Phoenix Log*. Poster-sized notices were placed in libraries, post offices, and in the community halls where the public meetings were held.

The results of scoping are summarized below. More detail is provided in the *Southern Intertie Project Environmental Impact Statement Scoping Report* (Power Engineers, September 1997c).

4.2.2 Public and Agency Meetings

Three public scoping meetings were conducted in 1996—Anchorage on November 12, Cooper Landing on November 13, and Soldotna on November 14. A total of 81 people attended the meetings. The meetings were recorded and transcripts are available at RUS and Chugach for public inspection.

Written comments on the Project were solicited at the public meetings; a total of 84 written comment forms were received containing approximately 400 individual comments. A summary

of letters received from agencies, communities, and special-interest groups is presented in Table 4-1. Copies of all original correspondence are on file at RUS.

In addition to the public scoping meetings, RUS conducted an interagency meeting on November 6, 1996 in Anchorage. The purpose of the meeting was to (1) invite the participation of other federal, state, and local agencies; and (2) solicit comments and/or concerns regarding issues that should be addressed in the EIS. In addition to RUS representatives, personnel representing the Alaska Department of Natural Resources, USFWS, Alaska Energy Authority, Municipality of Anchorage, KPB, Forest Service, Environmental Protection Agency, Bureau of Land Management, and USACE attended the meeting.

4.3 APPLICANT INITIATED ACTIVITIES

In November 1995, the Applicant initiated a Route Selection Study. To assist in determining issues and concerns during route selection, agency and interagency meetings as well as two public meetings were conducted. The public was informed of the project through direct mailing of newsletters, billing statement inserts, paid advertisements in local newspapers, and news releases, which were distributed to local radio and television stations in the Anchorage and Kenai areas. These materials provided general information on the project and announced the two public meetings. The public meetings were held in Anchorage and Soldotna on January 31, 1996, and February 1, 1996, respectively, and were attended by a total of 46 individuals. Through the Route Selection Study and associated public comments, three alternative corridors were identified and are documented in the *Southern Intertie Project Route Selection Study Phase 1 - Environmental Section Report* (Power Engineers, June 1996a).

**TABLE 4-1 – SUMMARY OF LETTERS RECEIVED FROM
AGENCIES, COMMUNITIES, AND SPECIAL INTEREST GROUPS**

		AGENCY/ ORGANIZATION	SCOPING ISSUES												SUMMARY OF COMMENTS
			Purpose and Need	Right-of-way Limitations and Restrictions	Environmental Issues										
					Urban and Rural Land Use	Aviation	Recreation/Tourism	Public Land Management	Watershed Management	Visual Resources	Biological Resources	Cultural Resources	Avalanche Hazards	Marine and Coastal Environments	
Federal	U.S. Army		✓				✓							Avoid Ft. Richardson along Quartz Creek transmission line. Army strongly objects.	
	Environmental Protection Agency	✓						✓	✓	✓				Clearly defined purpose and need essential in developing a range of alternatives. Strongly recommend the use of existing transmission line and pipeline corridors.	
	Federal Aviation Administration				✓									Fire Island – VORTAC facility interference concern.	
	Coast Guard													No formal comments or recommendations.	
State	Department of Fish and Game		✓			✓	✓	✓		✓			✓	Use existing corridors – Pt. Campbell/Pt. Woronzof possibilities. Other landings would not be authorized across the ACWR.	
	DNR – Division of Parks		✓			✓	✓		✓					Division of Parks would not support a conversion of use under LWCFA. Incompatible with purposes of the Chugach State Park.	
	Department of Transportation and Public Facilities		✓	✓					✓	✓				Concerned with use of ADOT roadways.	
	DNR – Division of Land					✓	✓		✓			✓		Concerned with scenic and recreation resources on state lands.	
Local	Municipality of Anchorage		✓	✓					✓	✓			✓	Overhead lines considered incompatible within municipality subject to local ordinances. Compliance/compatibility with Anchorage Bowl Comprehensive Plan is required.	
	Kenai Peninsula Borough													Data and coordination provided; and participated in meetings.	
Community/Special Interest Group	Alaska Center for the Environment	✓				✓	✓	✓	✓	✓				Consideration of other alternatives, economic, biological, recreation, scenic impacts.	
	Oceanview/Old Seward Community Council	✓		✓	✓	✓			✓					Not convinced of purpose and need; concerned about safety, aesthetics, airplane interference, earthquakes, EMF, and effects on tourism.	
	Kenai Watershed Forum	✓	✓				✓		✓	✓		✓		Consideration of other alternatives: construction techniques, biological impacts.	
	Friends of Cooper Landing	✓	✓	✓		✓			✓			✓		Effects to scenic resources, avalanche hazards, purpose and need requirements, land use conflicts.	
	Cooper Landing Game and Fish Advisory Committee		✓					✓		✓				Effects of construction and right-of-way requirements on watersheds and biological resources in the KNWR.	
	Wilderness Society	✓				✓	✓		✓	✓				Impacts to wildlife, recreation, visual resources, purpose and need justification.	
	Pt. Possession, Inc.		✓	✓	✓				✓		✓			Impacts to traditional use, visual, aviation, cultural resources: opposed to line across or near allotment and corporate land.	
	Flying Crown Homeowners Association	✓			✓									Question purpose and need, airspace interference.	

4.3.1 Agency and Organization Contacts

Agencies and organizations having jurisdiction and/or specific interest in the Project were contacted at the beginning of the process by the Applicant's consultants. The purpose was to inform them about the Project, verify the status and availability of existing environmental data, request data and comments, and solicit input on the Route Selection Study. Additional contacts were made to obtain information on plans or projects near the alternative transmission line routes. In April 2001, letters were sent to nine Native American groups inviting them to participate in the Project by offering comments or input on traditional cultural properties that they may identify near the alternative transmission line routes. A list of the agencies and organizations contacted is provided in Table 4-2.

4.3.2 Community Participation

Community participation has been conducted throughout the Project in order to identify and respond to specific issues of concern expressed by the agencies, public, and communities in the Project area. Two CWGs were assembled—one on the Kenai Peninsula and the other in Anchorage.

Representation included residents, property owners, realtors, municipal and borough government, special-interest groups, representatives from community councils, area school districts, and Native American groups (Table 4-3). Throughout the planning process the CWGs have reviewed information presented in group meetings. The CWGs' knowledge of localized issues and concerns were important in identifying alternatives to be evaluated for detailed environmental studies. Each group met five times at key milestones during the process. They received detailed presentations on the purpose and need for the Project, description of the Project, siting criteria, baseline inventory studies, approach for the impact assessment process and mitigation measures, and process for screening alternative routes. A list of the issues discussed at each meeting is provided in Table 4-4.

4.3.3 Native American, Indigenous, and Tribal Involvement

Each of the five Native American groups whose landholdings would be potentially traversed by the Project's alternative routes were invited to participate in a CWG in order to communicate their concerns and knowledge of traditional cultural places. These groups are the Cook Inlet Regional Corporation, Pt. Possession Group, Salamatof Native Association, Tyonek Native Corporation, and Kenai Native Association. The Kenaitze Indian Tribe was also a participating member of the Kenai CWG.

TABLE 4-2 CONTACTS WITH AGENCIES AND ORGANIZATIONS	
Federal Agencies	
Local Agencies	Municipality of Anchorage
DEPARTMENT OF AGRICULTURE Forest Service Chugach National Forest Seward Ranger District Glacier Ranger District Rural Utilities Service DEPARTMENT OF COMMERCE National Marine Fisheries Service DEPARTMENT OF DEFENSE Department of the Army-Fort Richardson Planning Department Environmental Resource Department U.S. Army Corps of Engineers - Alaska District U.S. Coast Guard	DEPARTMENT OF THE INTERIOR Bureau of Land Management Fish and Wildlife Service Division of Realty Kenai National Wildlife Refuge U.S. Geological Survey Water Resources ENVIRONMENTAL PROTECTION AGENCY Region X FEDERAL AVIATION ADMINISTRATION Air Traffic Division
State Agencies	
ALASKA Department of Commerce Alaska Railroad Corporation Department of Community and Regional Affairs Department of Environmental Conservation Department of Fish & Game Department of Governmental Coordination Department of Labor Department of Natural Resources Land Resource Assessment & Development Section Parks & Outdoor Recreation Chugach State Park	Department of Transportation and Public Facilities Anchorage International Airport Planning Department Planning Division Office of the Governor State Senate
Local Agencies	
CITY OF KENAI Kenai Community Library CITY OF SEWARD Seward Chamber of Commerce CITY OF SOLDOTNA City Manager's Office Public Works Soldotna Public Library KENAI PENINSULA BOROUGH Cooper Landing Public Library Kenai School District Planning Department	MUNICIPALITY OF ANCHORAGE Anchorage School District Beautification Task Force Community Planning & Development Federation of Community Councils Abbott Loop Bayshore/Klatt Campbell Park Eagle River Huffman/O'Malley Old Seward/Oceanview Rabbit Creek Sand Lake Taku/Campbell Turnagain University Area

**TABLE 4-2
CONTACTS WITH AGENCIES AND ORGANIZATIONS**

	Girdwood Board of Supervisors Mayor's Office Office of Fiscal Budget Management Parks & Recreation Transportation Planning Department Turnagain Arm Board of Supervisors ZJ Loussac Public Library POSTMASTER Cooper Landing, Chugiak, Eagle River, Hope, Kenai, Nikiski, Soldotna, Sterling, Tyonek
Native Agencies	
Alexander Creek, Inc. Caswell Native Association Chickaloon-Moose Creek Native Association, Inc. Chugachmiut Cook Inlet Region, Inc. Eklutna, Inc. Endi'ina Ya Ida'ina Committee Kaguyak Village Kenai Natives Association, Inc. Kenaitze Indian Tribe, IRA	Knikatu, Inc. Native Village of Georgetown Native Village of Tyonek Ninilchik Native Association, Inc. Pt. Possession Inc. Salamatof Native Association, Inc. Seldovia Native Association, Inc. Tyonek Native Corporation Ugashik Village
Organizations	
Alaska Airmen's Association Inc. Alaska Rural Electric Co-Op Association Alaska TREES Inc. Alcan Electrical & Engineering Anchorage Economic Development Corporation ARCO Alaska Inc. Arktos Associates BP Exploration Capital Resource Associates Carr-Gotstein Properties City Electric, Inc. Civil Air Patrol Cultural Resource Consultants D'Ewart Representatives Dynamic Properties Empire North, Inc. ERA-North Kenai Era Aviation, Inc. First National Bank of Anchorage John P. Bagoy & Associates, Inc.	Kenai Merit Inn Kenai Princess Lodge Kenai River Sportfishing, Inc. Kenai Visitors & Convention Bureau, Inc. Knik Canoers & Kayakers, Inc. Lang Consulting Legislative Research Agency Marathon Oil Company National Bank of Alaska Norcon, Inc. Peninsula Clarion Phillips Petroleum Company R.A. Kreig & Associates Redi Electric, Inc. REMAX of the Peninsula Seward Animal Clinic Shell Western E&P Inc. Tesoro Alaska Refinery UNOCAL Oil & Gas Operations
Special Interest Groups	
Alaska Association of Realtors Alaska Center for the Environment Alaska Citizens for Responsible Energy Dev. Alaska Conservation Foundation Alaska Federal Credit Union Alaska Marine Pilots Association Alaska Rainforest Campaign Alaska Sportfishing Association	Kachemak Resource Institute Kenai Chamber of Commerce Kenai Elks Lodge No. 2425 Kenai Peninsula Builders Association Kenai Peninsula Fisherman's Association Kenai Peninsula Outdoor Coalition Kenai Peninsula Tourism Marketing Council Kenai Senior Citizens Center

TABLE 4-2
CONTACTS WITH AGENCIES AND ORGANIZATIONS

Alaska Visitors Association Alaska Wildland Adventures Alaska Wildlife Alliance Alaskan Aviation Safety Foundation American Legion Post 20 Amvets Post No. 4 Anchorage Audubon Society Anchorage Chamber of Commerce Associated General Contractors of Alaska Chugach State Park Advisory Board Commercial Fisherman's Association Cook Inlet Keeper Cook Inlet Regional Citizens Advisory Council Cooper Landing Fish & Game Advisory Committee Cooper Landing Land Advisory Committee David Rhode Photography Eastern Kenai Peninsula Eastern Kenai Peninsula Environmental Action Association Flying Crown Homeowners Association Fraternal Order of the Eagles Friends of Cooper Landing Greenpeace HEREU, Local 878 Hillside Area Land Owners Homer Chamber of Commerce Institute for Policy Research Kachemak Bay Conservation Society	King Salmon Fund Kenai River Watershed Forum League of Women Voters Moose Lodge Peninsula National Audubon Society National Electrical Contractors Association National Parks & Conservation Association National Wildlife Federation Nikiski Senior Center North Peninsula Chamber of Commerce North Peninsula Recreation Department Regional Citizens Advisory Council Ron's AK Lodge Seward Chamber of Commerce Sierra Club Soldotna Chamber of Commerce Soldotna Elks Lodge No. 2706 Soldotna Senior Citizens Center Southpark Homeowners Association Southwest Pilots Association Sterling Senior Citizens Center The Nature Conservancy The Wilderness Society Trailside Discovery Camp Trout Unlimited Trustees for Alaska United Cook Inlet Drift Association VFW Post No. 10046 Wildlife Federation of Alaska
Utilities	
Anchorage Municipal Light & Power Chugach Electric Association City of Seward	Golden Valley Electric Association Homer Electric Association, Inc. Matanuska Electric Association

TABLE 4-3 CWG REPRESENTATION	
Kenai CWG	Anchorage CWG
Kenai Peninsula Borough	Municipality of Anchorage, Community Planning & Development
Kenai Natives Association	Municipality of Anchorage, Division of Parks and Recreation
Salamatof Native Association	Anchorage area residents
Kenaitze Indian Tribe	Anchorage School District
Kenai School District	Abbott Loop Community Council
Soldotna Chamber of Commerce	Bayshore/Klatt Community Council
Friends of Cooper Landing	Girdwood Supervisory Board
Alaska Association of Realtors	Hillside Area Land Owners
	Old Seward/Oceanview Community Council
	Rabbit Creek Community Council
	Taku/Campbell Community Council
	Turnagain Community Council
	Alaska Center for the Environment
	Chugach State Park Advisory Board
	Alaska Association of Realtors

**TABLE 4-4
ISSUES RAISED BY CWG MEMBERS**

Meeting Topics	Kenai CWG	Anchorage CWG
January 1997 Meeting #1 - Purpose and need, project description	<ul style="list-style-type: none"> ■ effects on archaeological sites ■ utilization of existing line ■ needs in the future ■ reliability questions ■ alternative technologies available ■ costs and efficiency 	<ul style="list-style-type: none"> ■ purpose and need ■ influences on utility rates ■ reliability of lines ■ generation options ■ costs and efficiency
March 1997 Meeting #2 - Purpose and need, impact assessment process, sensitivity criteria	<ul style="list-style-type: none"> ■ cost of power to Railbelt consumers ■ residential conflicts ■ right-of-way requirements ■ EMF effects 	<ul style="list-style-type: none"> ■ project description, facilities ■ impacts on wetlands ■ impacts on waterfowl ■ resource sensitivity
April 1997 Meeting #3 - Assessment process, types and significance of impacts, alternative routes	<ul style="list-style-type: none"> ■ watershed impacts ■ right-of-way requirements ■ effects on fire management plans ■ property values ■ impacts on fisheries ■ impacts on future land uses ■ engineering and reliability of line through avalanche zones ■ impacts on scenic highway ■ impacts on conveyed Native lands ■ identified the Tesoro Alternative as the group's preference 	<ul style="list-style-type: none"> ■ right-of-way requirements ■ impacts on scenic views ■ overhead versus underground lines ■ erosion potential ■ compatibility with management plan ■ cumulative impacts ■ identified Pt. Woronozof Alternative as the group's preference
July 1997 Meeting #4 - Alternative route screening process	<ul style="list-style-type: none"> ■ public input for EIS ■ qualifications of third-party contractor ■ access and mitigation ■ right-of-way requirements 	<ul style="list-style-type: none"> ■ qualifications of third-party contractor ■ right-of-way requirements ■ vegetation removal ■ federal decision process
September/October 1997 Meeting #5 - Alternative route comparison	<ul style="list-style-type: none"> ■ land use impacts along Kenai coastline ■ brown bear impacts on the KNWR ■ impacts on views along north Kenai Spur Highway ■ compliance with the National Historic Preservation Act 	<ul style="list-style-type: none"> ■ status of cost benefit study ■ identification of preferred landfall points in Anchorage ■ federal decision process ■ requested incorporation of CWG input to EIS

4.4 ACCESS TO INFORMATION

The project area encompasses a large geographic region, which includes the private allotments and conveyed lands of Native American groups. Considering the magnitude of the Project, it was important that information reached and was understood by people residing throughout the Project area.

To encourage public partnerships and communication with the low income and minority populations in the Project area, the public involvement program was designed to be comprehensive, and to respect and incorporate the different socio-cultural perspectives into the environmental analysis criteria. Specifically, the program involved the following:

- holding numerous additional meetings to accommodate dispersed populations in remote areas
- involving appropriate Native corporations in planning, implementing, and reviewing environmental studies
- working to ensure that graphic displays were understandable across different cultures
- distributing informational materials throughout the Project

Throughout the Project, numerous presentations were made at CWG, Native corporation, and cultural preservation group meetings. Visual display boards prepared for meetings were specifically designed to consider the cultural differences of the audiences and issues previously expressed.

Although the process was carefully planned at the beginning of the Project, each step of the process was preceded by critical assessment to increase the Project team's awareness and sensitivity, promote continued responsiveness, and improve methods and techniques. Cooperating agencies provided regular input to the process and Project progress was reviewed at periodic interagency meetings. Generally, this interaction focused on developing criteria, identifying and eliminating alternatives, and reviewing technical and environmental data, as well as the preferred alternatives. This planning process provided opportunities for public participation in and access to information on health and the environment as it relates to the Project. Attention to all public comments enhanced the outcome of the process.

4.5 ISSUES AND CONCERNS

Issues and concerns raised during the scoping process were analyzed. Special technical studies were recommended where published information on a topic was considered inadequate or unavailable. Suggested mitigation measures were identified and considered as well. Laws, authorities, and related statutes and executive orders applicable to the Project were identified.

Fourteen issues were identified that focused the environmental analyses and formed the basis for preparation of this EIS. These issues are described in this section. A summary table of the comments concerning each issue is presented in Table 4-5.

- Issue 1 - Purpose of and Need for the Project
- Issue 2 - Urban and Rural Land Use
- Issue 3 - Aviation Safety
- Issue 4 - Recreation and Tourism
- Issue 5 - Management Plans
- Issue 6 - Watershed Management and Soil Erosion
- Issue 7 - Visual Resources
- Issue 8 - Biology
- Issue 9 - Cultural Resources
- Issue 10 - Right-of-Way Limitations
- Issue 11 - Health and Safety
- Issue 12 - Avalanche Hazards
- Issue 13 - Socioeconomics
- Issue 14 - Alternatives to the Proposed Project

4.5.1 Issue 1 - Purpose of and Need for the Project

Although the purpose and need for the project has been established through studies initiated by the AEA and the Railbelt Utilities, the proposed Project has been questioned for a variety of reasons. Concerns focus on whether or not benefits of the Project warrant the impacts on the environment, how the Project will financially impact customers, to what degree the reliability of the electrical system will improve, and what the energy transfer requirements will be.

In addition to the proposed Project, rigorous analysis of alternatives has been suggested, including consideration of energy conservation; DSM; BESSs; and other generation sources such as new generation, wind generation, and fuel cells.

**TABLE 4-5
ISSUES IDENTIFIED**

	Issue	Comments Received
1	Purpose and Need for the Project	<p><u>Underlying Need</u></p> <ul style="list-style-type: none"> ■ Unable to determine the underlying need for the transmission line. Need should be clearly defined and a reasonable range of alternatives for the project should be evaluated, such as energy conservation, local generation, system, and transmission alternatives. ■ The need for the project is not justified by the potential significant environmental impacts and questionable economic justification. <p><u>Reliability</u></p> <ul style="list-style-type: none"> ■ The purpose and need would not be met by constructing a transmission line parallel to the Quartz Creek transmission line due to avalanche risks. ■ Is reliability of power the main reason for the project? ■ What increase in reliability would construction of the new transmission line provide? ■ Current reliability of service from the existing transmission line system is acceptable in the Anchorage and Kenai areas. Residents are willing to put up with occasional power outages instead of the potential environmental impacts that could occur as a result of the proposed project. ■ What is the difference between historical outages and present risk of outages (especially related to avalanches) after modifications have been included to the existing transmission line? ■ What is the cost and extent of current unreliability? ■ Reliability and efficiency would not be met by routing the transmission line through avalanche areas. <p><u>Energy Transfer</u></p> <ul style="list-style-type: none"> ■ What is the status of existing energy transfer between Kenai and Anchorage? <p><u>Benefits</u></p> <ul style="list-style-type: none"> ■ The proposed Project would only benefit Anchorage (or only Kenai). ■ The Kenai and Anchorage areas independently have enough generation capacity. ■ Would expanded power service from the route be available for local residents to utilize? (principally Moose Point, Grey Cliffs, and Fire Island.)
2	Urban and Rural Land Use	<ul style="list-style-type: none"> ■ Quartz Creek would have the least amount of environmental impacts and minimize impacts on residential neighborhoods. ■ The possibility of lawsuits from diminished property values is associated with Enstar. ■ The transmission line crossing residential lots would result in diminished property value. ■ Does Alaska Railroad and Chugach Electric have the right to route a line along the railroad right-of-way? ■ Avoid highly developed residential areas. ■ Do not construct overhead transmission lines in residential areas. ■ How would the proposed Project affect property owners? ■ Proposed Project routing should consider potential zoning conflicts and land use changes as a result of the revision to the Anchorage Comprehensive Plan. ■ Transmission lines should be planned in advance of residential and commercial development.

**TABLE 4-5
ISSUES IDENTIFIED**

	Issue	Comments Received
		<ul style="list-style-type: none"> ■ Right-of-way encroachment is a possibility with New Seward Highway and North Kenai Road. ■ Route lines through industrial areas (more compatible land use). ■ The western coast of the Kenai Peninsula is desirable for development; the transmission line could be a conflict. ■ North Kenai schools could be in close proximity; this would not be acceptable.
3	Aviation Safety	<p><u>Compliance with Federal Aviation Administration Regulations</u></p> <ul style="list-style-type: none"> ■ The FAA would need to conduct a hazard determination, which would identify potential problems (flight hazards, electrical interference) and any necessary mitigation measures (marker balls, lighting). ■ Project must comply with FAA navigation facilities standards. <p><u>Potential Conflicts with Aircraft Use</u></p> <ul style="list-style-type: none"> ■ The Tesoro Route presents a particular hazard for low flying aircraft that frequent the area during inclement weather. ■ Underground transmission lines would mitigate flight hazards near airports, float plane lakes, or beach strips, and avoid conflicts with planned expansion at Anchorage International Airport. ■ Flying Crown Airstrip in Oceanview would be shut down; transmission line would create flying hazard.
4	Recreation and Tourism	<ul style="list-style-type: none"> ■ Potter Marsh and Quartz Creek are heavily used for recreation. ■ Project would alter the landscape and eliminate the wilderness values. ■ Potential conflict with proposed Tony Knowles Coastal Trail. Current policy is to underground all transmission lines. ■ Avoid impacts on Chugach State Park. ■ Sixmile Creek drainage is sensitive because of recreational use. ■ Avoid impacts on trails including Resurrection Trail. ■ Can transmission line right-of-way be used for recreation trails? ■ Would submarine routes affect sport fishing in Cook Inlet?
5	Management Plans	<ul style="list-style-type: none"> ■ Conservation easement at mouth of Sixmile Creek. ■ Project would require an amendment to the KNWR Comprehensive Conservation Plan. ■ How would Chugach National Forest administration incorporate this Project into the updated Forest Plan? ■ Right-of-way along Enstar Route would be incompatible with the KNWR Comprehensive Conservation Plan. ■ The 1992 recommendations in the Kenai Peninsula Borough Plan include "Maintain scenic quality and unique and rural setting of Cooper Landing." ■ To what extent would implementation of the proposed Project require additional efforts by land management staff (such as increased patrols for trespassers)? ■ Both New Seward Highway and Minnesota Drive are controlled access rights-of-way, which restrict the ability to construct or maintain the Project from the road. ■ Land and Water Conservation Funds have been used in Captain Cook SRA and Chugach State Park providing limitations to additional development within the park boundaries.

**TABLE 4-5
ISSUES IDENTIFIED**

	Issue	Comments Received
		<ul style="list-style-type: none"> ■ The Anchorage Bowl Comprehensive Plan is currently being revised and the municipal planning department anticipates that changes may directly relate to siting the proposed Project. A cooperative effort with the plan update should be considered. ■ State tidelands and other lands managed by the Alaska Department of Natural Resources must comply with the Alaska Coastal Management Plan. ■ The Municipality of Anchorage utility corridor plan is not designed for this type of project. ■ Project must comply with the Kenai River Special Management Plan.
6	Watershed Management and Soil Erosion	<ul style="list-style-type: none"> ■ Potter Marsh is vulnerable to silt input from any construction in the vicinity. ■ Minimize change to bluffs along Kenai River and the Cook Inlet coastline. ■ Minimize right-of-way clearing requirements to the maximum extent possible.
7	Visual Resources	<p><u>Residential and Recreational Viewsheds</u></p> <ul style="list-style-type: none"> ■ What would the proposed transmission line look like? ■ Overhead lines along roadways within the Anchorage Bowl would adversely affect local neighborhoods. ■ Visual impacts on residential areas need to be evaluated in terms of loss of property value and sense of place (specifically, Cooper Landing, Kenai, south Anchorage, Moose Point, Grey Cliffs, and Pt. Possession). Cooper Landing recently completed a community planning effort that identified preservation of aesthetics as a desired attribute. ■ The proposed Project should avoid the KNWR due to the high scenic value. <p><u>Design Considerations</u></p> <ul style="list-style-type: none"> ■ Recommend the use of the existing route to minimize aesthetic impacts. Possibly construct a new line and remove the old facilities. ■ Project alternatives should include design elements that would eliminate or minimize adverse effects on aesthetic qualities of the area. Suggest undergrounding the line when crossing visually sensitive areas. <p><u>Viewsheds from Travelways</u></p> <ul style="list-style-type: none"> ■ Visual impacts may affect residents and tourists who travel the Seward Highway National Scenic Byway, Sterling Highway, and Turnagain Pass, or who visit Summit Lake, Stormy Lake, Cooper Landing, Swan Lake, and Sixmile River (Quartz Creek Route). ■ Recommend undergrounding the lines through urban areas. ■ Enstar seems to minimize disturbance and visual issues on the Peninsula.
8	Biology	<p><u>Wetlands</u></p> <ul style="list-style-type: none"> ■ Draft EIS should identify wetland types, acreage, and location, and assess wetland functions and values. All construction activities should avoid high resource wetlands A and B in Anchorage and wetlands in the KNWR to the maximum extent practicable. ■ If wetlands cannot be avoided, implementation of Best Management Practices should be used to minimize effects. The draft EIS should include a discussion of the Best Management Practices. ■ Additional clearing would have impacts on wetlands that are already compromised.

**TABLE 4-5
ISSUES IDENTIFIED**

	Issue	Comments Received
		<p><u>Management</u></p> <ul style="list-style-type: none"> ■ ADF&G requires burial of transmission line through ACWR. ■ ADF&G recommends boring underneath the vegetated portions of the refuge. ■ Chickaloon Bay is a state critical habitat area. ■ Is there a possibility of spruce bark beetle increase? <p><u>Sensitive Species</u></p> <ul style="list-style-type: none"> ■ Avoid disturbance to sensitive wildlife species, including brown bear, lynx, wolf, trumpeter swan, and bald eagle. ■ There is a high density of brown bears on the Chickaloon River. ■ Enstar Route would disrupt critical brown bear habitat. ■ Caribou wintering and calving grounds are along the Enstar Route. <p><u>Wildlife Habitat</u></p> <ul style="list-style-type: none"> ■ Project would irretrievably alter the landscape reducing wildlife habitat (hydraulic alterations would impact wildlife and habitat). ■ Minimize adverse effects on fish and wildlife habitat. ■ Cumulative impacts on wildlife and habitat need to be addressed. ■ Proposed Project may improve some types of wildlife habitat. <p><u>Waterfowl</u></p> <ul style="list-style-type: none"> ■ Effects on waterfowl from overhead lines should be mitigated. ■ Chickaloon Bay is a migration staging area. ■ The Environmental Analysis (EVAL) and EIS should have a discussion on Potter Marsh waterfowl. <p><u>Fisheries</u></p> <ul style="list-style-type: none"> ■ Would fish be impacted by damaged submarine cables? ■ Siltation as a result of construction would adversely impact fish.
9	Cultural Resources	<p><u>Concerns Expressed by Kenai Native Association</u></p> <ul style="list-style-type: none"> ■ Archaeological resources need to be addressed in the EIS. ■ Areas surrounding Cooper Landing and Kenai River have high densities of cultural sites. ■ Increased access may result in damage to unknown archaeological and historical properties. ■ Native groups should be allowed to participate in survey work. ■ Proposed Project may hamper traditional usage. ■ Avoid disturbance to burial grounds at Pt. Possession. ■ Avoid use of Native lands for proposed project, specifically the Pt. Possession Native Group.
10	Right-of-Way Limitations	<p><u>Use of Right-of-Way</u></p> <ul style="list-style-type: none"> ■ The ADOT/PF has restricted access along most of their rights-of-way. ■ Expansion of Enstar Pipeline right-of-way conflicts with the KNWR Comprehensive Conservation Plan. ■ Would public access be available along the right-of-way for the proposed Project? ■ Would an easement or right-of-way be required on adjoining properties for maintenance access? ■ The proposed Project would increase the chance of trespassers because of the 150-foot right-of-way that would invite usage.

**TABLE 4-5
ISSUES IDENTIFIED**

	Issue	Comments Received
		<ul style="list-style-type: none"> ■ Can the right-of-way accommodate recreational trails? ■ Suggest consolidating right-of-way with other projects; comprehensive planning should be considered instead of piece-by-piece planning. ■ Use existing right-of-way, even if it must be widened. <p><u>Right-of-Way Requirements</u></p> <ul style="list-style-type: none"> ■ Minimize right-of-way width. ■ Would the right-of-way be 150 feet wide in residential areas and how would that affect property owners? ■ The only mitigation that should be required by the utilities for this action should be funds required to reclaim the land at the end of the Project.
11	Health and Safety	<ul style="list-style-type: none"> ■ Effects of EMF need to be addressed in the draft EIS. ■ Potential hazards of the transmission line include EMF negatively affecting nearby residents and systems in homes. ■ Transmission lines and schools are not compatible due to the potential health effects (along North Kenai Road). <p><u>Physical Hazards</u></p> <ul style="list-style-type: none"> ■ Can gas lines be located close to electrical transmission lines without danger of explosion or fire? ■ Transmission lines should be buried to protect human safety. ■ Falling lines can be a hazard to people or property. ■ Request information on the magnitude of the electrical hazard to humans and wildlife and the effects of a spill from insulating oil.
12	Avalanche Hazards	<ul style="list-style-type: none"> ■ Need to weigh consequences of building additional line along right-of-way known for avalanche problems. ■ Designing an additional line through extended avalanche zone is illogical, when better alternatives are available. Risk to the power grid would be increased and net reliability reduced. Designing an additional transmission line to be operated at zero load under avalanche conditions is not cost-effective and does not represent good public policy.
13	Socioeconomics	<p><u>Utility Rates</u></p> <ul style="list-style-type: none"> ■ What effect would construction costs have on utility rates? ■ Would the new line reduce the cost of power in the future? ■ No individual should carry the burden for all rate payers. ■ Would utility rates increase? ■ What is the current and projected cost of electricity? <p><u>Quality of Life</u></p> <ul style="list-style-type: none"> ■ Quality of life would suffer if the proposed Project is introduced into an area not currently used as a utility corridor. ■ What impact would the Tesoro Route have on people and how many would be affected by the Quartz Creek Route? ■ Impacts on local communities should be considered. <p><u>Project Cost</u></p> <ul style="list-style-type: none"> ■ Concerned with cost comparisons of options. ■ Is the main difference in route costs associated with the submarine cables? ■ How much (percentage-wise) would it cost to bury the route?

**TABLE 4-5
ISSUES IDENTIFIED**

	Issue	Comments Received
		<ul style="list-style-type: none"> ■ Are submarine alternatives economically feasible? <p><u>Cost Benefit Analysis</u></p> <ul style="list-style-type: none"> ■ Cost benefit analysis needs to be updated to reflect current market conditions. ■ When would the benefits accrue? ■ Where are the benefits coming from? ■ How much taxpayer money is going into this Project? ■ Where is the money coming from to fund this Project? <p><u>Effect of the Proposed Project</u></p> <ul style="list-style-type: none"> ■ Would landowners directly affected by the right-of-way be compensated? ■ Economic savings versus losses to Peninsula communities should be considered. <p><u>Development</u></p> <ul style="list-style-type: none"> ■ What are the economic benefits to the communities in the Project area? ■ What are the electrical benefits to the communities in the Project area and the Railbelt? <p><u>Environmental Justice</u></p> <ul style="list-style-type: none"> ■ Consider environmental justice for the residents of the trailer park at Minnesota Drive and Dimond Boulevard.
14	Alternatives to the Proposed Project	<p><u>Alternatives to a New Line</u></p> <ul style="list-style-type: none"> ■ Evaluate alternative means of constructing, operating, and maintaining transmission lines to minimize environmental impacts. ■ The full range of reasonable and feasible alternatives should be evaluated, including energy conservation, local generation, system, fuel cells, wind generation, and transmission alternatives. ■ System selected for final approval should be the most efficient, cost effective, and easiest to maintain and operate. ■ More information needs to be presented in terms of why alternatives such as energy conservation are not feasible solutions to the proposed Project. The EVAL should also discuss which energy conservation measures were considered and why they were rejected, what could be done instead of building the intertie. ■ Corridor should incorporate an access road along the coast (Tesoro alternative). There is potential to incorporate a causeway across Turnagain Arm. ■ Avoid a submarine crossing from Pt. Possession to Pt. Woronzof by running a route along the north shore of the Kenai Peninsula to Chickaloon Bay, then cross Turnagain Arm to South Anchorage. ■ Use existing transmission line corridor and tie into existing substations. Suggest removal of old 115kV and 69kV transmission lines, thus improving the aesthetic value of the area. ■ Consider routing a submarine cable along Quartz Creek to Sixmile to Hope and across Turnagain Arm to Potter Marsh.

**TABLE 4-5
ISSUES IDENTIFIED**

	Issue	Comments Received
		<p><u>Alternative Feasibility</u></p> <ul style="list-style-type: none"> ■ Route selection should be flexible to allow avoidance of sensitive areas. ■ What options have been considered for various environmentally sensitive areas and avalanche zones? ■ Rationale and criteria for the elimination of alternatives should be documented and presented clearly in the EVAL and EIS. ■ Alternatives that do not increase reliable and efficient energy transfer (the purpose and need for the Project) should not be considered in the EVAL. ■ Consider a range of alternative construction techniques to minimize environmental impacts (burying substantial portions of the route, using modified tower designs, etc.). ■ Discourage use of existing Quartz Creek Route because the same “natural menaces” would be doubled. ■ Overhead and underground lines are more accessible and safer than submarine lines. ■ Submarine crossings are not practical due to cost and engineering feasibility. ■ If Project follows railroad, it should be placed underground. ■ Resolutions have been passed by Bayshore, Klatt, and Oceanview community councils against locating the Project within their communities. ■ Routing should be different than current line and should have substations to provide local power.

4.5.2 Issue 2 - Urban and Rural Land Use

While the study corridors are dominated by federal and state managed lands, concentrations of private lands occur within the Municipality of Anchorage and the KPB, including Nikiski, Soldotna, Sterling, Cooper Landing, and Sunrise. Land uses found throughout the study corridors include residential, commercial, industrial, public/quasi-public, air facilities, utilities, and transportation routes. Issues identified for land use impacts include possible displacement of homes and buildings, right-of-way restrictions and limitations, effects on the monetary value of private property as a result of visual impacts, and effects on the future development of vacant parcels of land.

4.5.3 Issue 3 - Aviation Safety

Alaska leads the nation in private aircraft use per capita. Various types of aircraft are used extensively for both private and commercial interests including float planes and small single- and twin-engine planes. Aviation facilities include airstrips, lakes, beaches, airports, demarcation devices, and navigation aids. Low altitude air traffic occurs through mountain passes and along coastlines during inclement weather, raising a question about potential aviation hazards within navigable airspace. In addition, private individuals, organizations, and the FAA have indicated that the proximity of the transmission line to aviation facilities could be a hazard, if not appropriately mitigated.

Two main topics of concern related to aviation were identified and include compliance with FAA regulations and possible conflicts with aircraft use.

4.5.4 Issue 4 - Recreation and Tourism

Recreation activities occur in the region year-round and range from passive activities, such as wildlife viewing and photography, to active recreation, such as fishing, hunting, rock/ice climbing, hiking, mountain biking, rafting, kayaking, dog mushing, skiing, boating, and more. Commercial recreation plays a large part in this area as well with guides, outfitters, and air/water taxiing services catering to tourists and residents. These diverse opportunities attract visitors from around the world. The scenery of the region combined with easy access and proximity to Alaska's major population center makes the study area one of the most visited in the state. Concerns regarding recreation and tourism include potential changes to landscape and potential impacts to the wildlife involved in recreational viewing, fishing, or hunting.

4.5.5 Issue 5 - Management Plans

Federal, state, and local agencies and the public have expressed concerns regarding compliance with existing management plans. Several planning efforts are underway to update management plans within the project area. Specifically, the Municipality of Anchorage Comprehensive Plan, Chugach National Forest Plan, KNWR Comprehensive Conservation Plan, and several site-specific plans are undergoing revisions. Concern has been expressed that the proposed Project may conflict with certain planning and management areas.

4.5.6 Issue 6 - Watershed Management and Soil Erosion

A large portion of the study area lies within the Kenai River watershed, one of the most valuable resources in south-central Alaska. Given the proximity of the proposed Project, several agencies and special interest groups have indicated concerns related to water quality, fisheries, and degradation of important watershed resources, including vegetation clearing, potential soil erosion on slopes, and potential siltation of streams.

4.5.7 Issue 7 - Visual Resources

This region of Alaska is nationally and internationally known for its significant aesthetic values. All of the public lands in the study area are administered to maintain some level of aesthetic visual value. Various federal, state, and local agencies advocate protection and enhancement of visual resources as part of their management plans, and advocate maintenance of visual resources in the study area. Comments emphasize preservation of the landscape character and panoramic viewsheds from residences, travel routes, vistas, recreation sites, trails, rivers, lakes, and use

areas found throughout the study area. Other comments addressed design considerations to minimize negative effects and included requests for visual simulations of the Project facilities.

4.5.8 Issue 8 - Biology

The region encompassing the Kenai Peninsula, Turnagain Arm, and Chugach Mountains is rich in diversity and abundance of animal species. Public lands in the study area are mandated to manage fish and wildlife populations. This issue centers on effects of the Project on wildlife habitat, the presence of sensitive species, and vegetation clearing. Concern has been expressed by the public and agencies about construction of the transmission line through sensitive habitats and ground disturbing activities that could impact vegetation or habitat and disrupt wildlife behavior. In addition, increased access to remote areas and the resulting effect on wildlife populations (brown and grizzly bears) has been questioned.

Comments have also been made concerning effects of Project construction and maintenance on wetland and aquatic habitats. Concern about additional vegetative clearing adjacent to or crossing through these areas has been expressed, along with maintaining compliance with coastal management plans for the region. Increased siltation of streams, especially anadromous fish streams, is also a concern identified by the agencies and public.

Comments about migratory birds and raptors (trumpeter swans and bald eagles) focus on bird strikes, electrocution, impacts on nesting sites, impacts on shorebird and waterfowl habitats, and the proximity and effect of the Project on raptors.

Other issues related to biological resources include cumulative effects on the KNWR, wetlands, sensitive species, habitat, waterfowl, fisheries, and management goals.

4.5.9 Issue 9 - Cultural Resources

Although cultural resources have been identified in the area, the potential exists for unidentified resources to be present, and this is confirmed by predictive modeling.

Section 106 of the National Historic Preservation Act of 1966 requires that the possible effects of federal undertakings on properties included in or eligible for the National Register of Historic Places be considered. The Kenai Native Association has expressed concern that the Project may impact Native interests and resources.

4.5.10 Issue 10 - Right-of-Way Limitations

Engineering constraints, construction and maintenance activities, and transmission line siting criteria are elements of this issue. Comments have focused on siting feasibility in certain locations and right-of-way requirements during construction and operation.

4.5.11 Issue 11 - Health and Safety

The concerns voiced by the public and agencies on this issue relate to EMF and physical hazards of overhead transmission lines.

4.5.12 Issue 12 – Avalanche Hazards

The existing Quartz Creek 115kV transmission line is exposed to potential avalanche hazard in several locations between the University and Quartz Creek substations. Studies by the Alaska Mountain Safety Center (1991) show that 88 structures and 117 spans along the line are exposed to some degree of potential hazard from destructive avalanches. Historic records indicate that during an 18-year period from 1971 to 1988 the line was hit and severely damaged by avalanches on 11 occasions at six different locations, for an average of once every 1.6 years or more frequently. The largest period of time without interruption was 8 years while the least was less than one year. From 1988-1989, CEA implemented mitigation to reduce the overall risk of exposure to avalanche damage; however, the remaining hazard is still rated as moderate. A moderate risk means that one to four large, potentially destructive avalanches may reach an individual structure or span during a 50-year period.

As a result, the potential for avalanche damage to structures and the associated loss of service will be an ongoing issue regarding the reliability of the existing line between Anchorage and the Kenai Peninsula.

4.5.13 Issue 13 - Socioeconomics

The Project area encompasses a varied socioeconomic base ranging from largely undeveloped lands with small towns and cities to large metropolitan areas such as the Anchorage Bowl. Lifestyles range from remote, subsistence-based residents to urban residents who rely on employment to support their needs. The main topics identified through a review of all comments received include potential effects on utility rates, impacts to the quality of life, Projects costs, the result of the cost/benefit analysis, local effects of the proposed Project and development concerns, and compliance with Executive Order 12898 Environmental Justice.

4.5.14 Issue 14 - Alternatives to the Proposed Project

The public and agency personnel have questioned whether or not alternative means of electrical generation were feasible and alternative routes could be considered. In addition, recommendations and questions regarding the economic and technical feasibility of the routes were raised. Rigorous analyses of alternatives were suggested, including consideration of energy conservation, DSM, BESSs, and other generation sources such as new generation, wind generation, and fuel cells.

4.6 AUTHORIZATIONS AND PERMITTING REQUIREMENTS

As part of the scoping process, applicable laws, authorities, related statutes, and executive orders were identified for the Project. The anticipated permitting requirements and authorizations are similar for all of the alternatives under consideration. These authorizations are listed in Table 4-6 and are summarized below for the Tesoro and Enstar routes.

- **Tesoro** – The Tesoro alternative corridor may require a Notice of Proposed Construction or Alteration to the FAA because of the location of aviation navigation equipment on Fire Island. The LWCFA requires the approval of the NPS for construction of utilities within state park lands. This regulation also prohibits the construction of overhead transmission lines within state park lands funded through LWCFA appropriations. The Bureau of Indian Affairs would oversee any permitting issues on Native allotments potentially crossed near Pt. Possession. In addition, Title XI and Section 22(g) of the ANCSA permitting and regulatory requirements will also need to be considered for lands within the KNWR. Section 22(g) of ANCSA regulates uses on certain Native-owned lands within the KNWR, in that they remain subject to the laws and regulations governing use and development of the refuge.
- **Enstar** – The majority of the Enstar alternative is within the KNWR and would require compliance with Title XI of ANILCA and consultation with the USFWS for final approval. Title XI regulates transportation and utility systems within the conservation system units in Alaska, including the KNWR. In addition, local permits would be required within the Soldotna and Municipality of Anchorage areas. This corridor also potentially affects three wildlife habitat areas—ACWR, Potter Marsh, and Chickaloon Bay—at the marine crossing. This crossing would require consultation with the ADF&G, USFWS, and USACE Alaska District.

TABLE 4-6
ENVIRONMENTAL LAWS, AUTHORITY, AND RELATED STATUTES AND ORDERS

The DEIS and FEIS shall comply with all applicable environmental laws, authority, and related statutes and orders. The following list is not exhaustive.

42 U.S.C. 4321 et seq., National Environmental Policy Act (NEPA)
 43 CFR Part 36, Transportation and Utility Systems in, Across, and Access into, Conservation System Units in Alaska (Alaska National Interest Lands Conservation Act [ANILCA])
 40 CFR 1500 et seq., Council on Environmental Quality, Regulations for Implementing the Procedural Provisions of NEPA
 7 CFR Part 1794 RUS Environmental Policies and Procedures
 40 CFR Part 6, U.S. Fish and Wildlife Service, Regulations for Implementing NEPA
 49 CFR 1.48(b), DOT Delegations of Authority to the Federal Highway Administration
 23 U.S.C. 138 and 49 U.S.C., Section 4(f) of the Department of Transportation Act of 1966
 23 U.S.C. 109(h), (i), and (j) standards
 23 U.S.C. 128, Public Hearings
 23 U.S.C. 315, Rules, Regulations, and Recommendations
 23 CFR, Part 771, Environmental Impact and Related Procedures
 DOT Order 5610.1c, Procedures for Considering Environmental Impacts
 16 U.S.C. 461 et seq., Archaeological and Historic Preservation Act; and 23 U.S.C. 305
 16 U.S.C. 470f, Sections 106, 110(d), and 110(f) of the National Historic Preservation Act of 1966
 16 U.S.C. 662, Section 2 of the Fish and Wildlife Coordination Act
 16 U.S.C. 668 dd - 668 ee et. seq., National Wildlife Refuge System Administration Act
 16 U.S.C. 1241 et seq., National Trails System Act
 16 U.S.C. 1452, 1456, Sections 303 and 307 of the Coastal Zone Management Act of 1972
 16 U.S.C. 1271 et seq., Wild and Scenic Rivers Act
 16 U.S.C. 1131-1136 Wilderness Act
 16 U.S.C. 1536, Section 7 of the Endangered Species Act of 1973
 25 U.S.C. 3002, Section 3(c) of the Native American Graves Protection and Repatriation Act
 33 U.S.C. 403, Section 10 of the Rivers and Harbors Act of 1899
 33 U.S.C. 1251 et seq., Clean Water Act of 1977
 33 U.S.C. 1241 et seq., Resource Conservation and Recovery Act
 33 U.S.C. 1344, Section 404 of the Clean Water Act
 42 U.S.C. 300(f) et seq., Safe Drinking Water Act
 42 U.S.C. 1996 et seq., American Indian Religious Freedom Act
 42 U.S.C. 4371 et seq., Environmental Quality Improvement Act of 1970
 42 U.S.C. 4601 et seq., Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970
 42 U.S.C. 4901 et seq., Noise Control Act of 1972
 42 U.S.C. 9601 et seq., Comprehensive Environmental Response, Compensation, and Liability Act of 1980
 42 U.S.C. 7401 et seq., Clean Air Act
 42 U.S.C. 2000d-d4, Title VI of the Civil Rights Act of 1964
 42 U.S.C. 4332 ANILCA (Section 810) Subsistence Evaluation
 43 U.S.C. Coastal Barriers Resources Act of 1982
 Executive Order 11514, Protection and Environment of Environmental Quality, as amended by Executive Order 1191, dated May 24, 1977
 Executive Order 11593, Protection and Environment of the Cultural Environment, dated May 13, 1971
 Executive Order 11988, Floodplain Management, dated May 24, 1977
 Executive Order 11990, Protection of Wetlands, dated May 24, 1977
 Presidential EO 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations

4.6.1 Regulatory Background

Federal Lands Jurisdiction

Of the current alternative routes under study between the Kenai Peninsula and Anchorage, the Enstar Route crosses the KNWR, which is under the jurisdiction of the USFWS.

Improvements to Dave's Creek Substation will occur on a parcel of state land that is located within the boundaries of the Chugach National Forest. As a result, the role of the U.S. Forest Service is primarily in a review capacity to track the Project and comment on any indirect impacts on the forest.

ANILCA Application

The KNWR is a designated conservation system unit that is managed by the USFWS under ANILCA (P.L. 96-487). Therefore, regulations implementing Title XI of ANILCA apply to the entire Project (43 CFR Part 36). Because the Enstar alternative route was selected as its preferred alternative, the IPG filed a Title XI Transportation/Utility Systems Application on August 5, 1999. Following the planned transportation corridor along the Tesoro Pipeline would involve crossing a corner of a section of the KNWR.

In general, criteria application for the approval of the Enstar Route under ANILCA Title XI require that (1) this alternative must be found "compatible with the purposes for which the Unit (KNWR) was established" and (2) there must be no "economically feasible and prudent alternative route for the system." These two criteria imply separate factors that are described below.

Alaska Native Claims Settlement Act

The Tesoro Route crosses a 4,500-acre property at Pt. Possession that was owned by the Pt. Possession, Inc. (a Native group). This property was transferred from the KNWR through the authorization of ANCSA. The process for such a conveyance of lands is discussed in 22(f) of ANCSA. The property, located within the boundaries of the KNWR, was recently sold to a private developer. The developer has since defaulted, and the land has been returned to Pt. Possession, Inc. Section 22(g) of ANCSA explains that lands such as the Pt. Possession property "remain subject to the laws and regulations governing the use and development of such Refuge."

While Title XI of ANILCA does not apply to Pt. Possession conveyed lands, Section 22(g) of ANCSA requires that projects constructed on these lands be found compatible with surrounding refuge lands.

4.6.2 Permits

Several different permits will be required prior to construction of the transmission line. These permits are listed and summarized in Table 4-7.

Issue	Action Requiring Permit Approval or Review	Permit Approval or Review	Corridor Affected	Comment	Contact
Federal					
Wetlands/ Waterways	A Section 404 Permit is required when wetlands are affected by the discharge of dredge or fill material, or transmission line construction activities.	Section 404 Permit	All alternative corridors under consideration	The Enstar Route initially appears to cross more wetlands than other routes	USAEDA Regulatory Branch P.O. Box 898 Anchorage, AK 99506-0899
Wetlands/ Waterways	A Section 10 Permit is required for the construction or placement of any structures in or above navigable waters of the United States.	Section 10	All submarine crossings and the aerial crossing at Bird Point		USAEDA Regulatory Branch P.O. Box 898 Anchorage, AK 99506-0899
Submarine Crossing Facilities/ Substations	Permit required for discharge of wastewater from a point source into federal- and state-owned waters. The permit is also required for storm water runoff. A Storm Water Pollution Prevention Plan is required for construction activities in order to be covered under the EPA’s General Permit for storm water discharges.	National Pollutant Discharge Elimination System Permit for Storm Water Discharges	All alternative corridors under consideration	Applies specifically to substation/switching stations	EPA Alaska Operations Office 222 W. 7th Ave #19 Anchorage, AK 99513-7588
Submarine Crossing Facilities/ Substations	Plans are required for oil storage facilities storing in excess of 660 gallons in a single container above ground; in excess of 1,320 gallons in aggregate in tanks above ground; or in excess of 42,000 gallons below ground.	Spill Prevention Control and Countermeasure Plans	All alternative corridors under consideration	Applies specifically to cooling fluid reservoirs for submarine cable crossing. This permit could potentially be avoided by placing the storage tanks underground.	EPA Alaska Operations Office 222 W. 7th Ave #19 Anchorage, AK 99513-7588
Sensitive Plant and/or Wildlife Species	A Section 7 consultation is required to assure protection of endangered or threatened species and wildlife.	Section 7 consultation (in conjunction with Section 404 or 10 Permitting)	All alternative corridors under consideration	No threatened and endangered species have been identified within the study area	USFWS Ecological Services 605 W. 4th Ave, Rm 62 Anchorage, AK 99501
Aviation	A notice to the FAA, for the review and approval, will be required to address concerns and effects of the proposed project on the safe and efficient use of navigable air space.	Notice of Proposed Construction or Alteration and a Hazard Determination (Form 7460-1)	Potentially the Tesoro Route pending identification of exact transmission line location	A hazard determination will require public review of the proposed project	Air Traffic Division AAL 532 222 W. 7th Ave, Box 14 Anchorage, AK 99513
Right-of-Way	Right-of-Way Permit would be required for obtaining right-of-way within a National Wildlife Refuge.	Right-of Way Permit	All corridors	The Tesoro Route crosses KNWR <1 mile	USFWS Div. of Realty 1011 E. Tudor Rd Anchorage, AK 99503
Right-of-Way	Special Use Permit would be required for obtaining right-of-way on National Forest land.	Special Use Permit for use of Forest Lands	Existing Quartz Creek Transmission Line and Bird Point alternative		USFS Chugach National Forest, Supervisor’s Office 3301 “C” Street, Suite 300 Anchorage, AK 99503-3998
Right-of-Way	Non-recreation use in a LWCF recreation area requires “Conversion of Use” approval. Nonprohibited conversions of use are approved by the NPS and the Department of the Interior.	“Conversion of Use” approval	Tesoro Route and potentially the existing Quartz Creek Route	Applies to Captain Cook State Park. Regulations prohibit overhead power lines in LWCF areas; buried power lines are permitted	DNR/Parks & Outdoor Recreation 3601 “C” Street, Suite 1200 Anchorage, AK 99503-5921
Right-of-Way	Right-of-Way Grant and temporary Use Permit would be required for obtaining right-of-way on Bureau of Land Management-, Bureau of Indian Affairs-, and ANCSA-selected lands.	Grant Right-of-Way and Temporary Use Permit	Tesoro Route	Grant Right-of-Way would require concurrence by ANCSA allottee	BLM Division of Lands Anchorage District Office (041) 6881 Abbott Loop Rd Anchorage, AK 99507

TABLE 4-7
PERMITS AND APPROVALS

Issue	Action Requiring Permit Approval or Review	Permit Approval or Review	Corridor Affected	Comment	Contact
State of Alaska					
Wetlands/ Waterways	Permitting of projects requiring more than one state agency permit or federal permit (requiring state concurrence) must be coordinated by Division of Governmental Coordination for the state’s review.	Coastal Consistency Review/Determination	All alternative corridors under consideration		Office of Management and Budget Division of Governmental Coordination 550 W. 7 th Avenue, Suite 1660 Anchorage, AK 99501
Wetlands/ Waterways	Alaska Department of Environmental Conservation (ADEC) must issue a 401 Certificate to accompany any federal permit issued under the Federal Clean Water Act. For example, a USACE Section 404 Permit would trigger the need for a State certificate.	Certificate of Reasonable Assurance (401)	All - It is assumed 401 certification would be complete pending issuance of a Section 404 Permit		DEC/Southcentral Regional Office 555 Cordova Street Anchorage, AK 99501
Cultural Resources	State Historic Preservation Office will provide a recommendation regarding a project's potential impacts on known cultural resources.	Concurrence that proposed actions do not adversely impact National Register and eligible properties	All alternative corridors under consideration	Potential to identify sites is equal among all alternatives	DNR/SHPO 3601 C Street, Suite 1278 Anchorage, AK 99510-7001
State Parks	A Special Use Permit is required for park lands along the right-of-way.	Parks Special Use Permit	All alternative corridors under consideration	Applies to Captain Cook, Chugach, Kenai River, and Potters Marsh State Parks. Quartz Creek Corridor would require review by the Chugach State Park Board of Supervisors	DNR/Parks & Outdoor Recreation Frontier Building 3601 “C” Street, Suite 1200 Anchorage, AK 99503-5921
Right-of-Way	A Land Use Permit is required for use of state lands along the proposed right-of-way. A right-of-way permit is required for construction of transmission lines or other improvements that cross state lands.	Land Use Permit, Tideland Use or Lease, Right-of-Way	All alternative corridors under consideration		Regional Office, DNR/Land Frontier Building Southcentral District Office 3601 “C” Street, Suite 1080 Anchorage, AK 99503-5937
Existing Facilities	Approval is required before construction on ADOT/PF managed state lands or for structures crossing ADOT/PF rights-of-way.	Utility Permit on State Right-of-Way	Enstar and Quartz Creek	Potentially more involvement along Quartz Creek Corridor	DOT&PF Design & Construction 4111 Aviation Dr. Anchorage, AK 99502
Construction	ADEC must authorize plans and specifications for construction that would be undertaken and must assess emission standards and possible air contamination resulting from that construction. Road dust, wind-blown contaminants, emissions from generators could cause this permit to be required.	Air Quality Permit	All alternative corridors under consideration		DEC/Southcentral Regional Office 555 Cordova Street Anchorage, AK 99501
Construction	Control of road dust. To control and legalize surface oiling in order to prevent water pollution.	Surface Oiling Permit	All alternative corridors under consideration	Applies to access roads	DEC/Southcentral Regional Office 555 Cordova Street Anchorage, AK 99501
Construction	A General Waterway/Waterbody Application must be submitted to ADF&G if heavy equipment usage or construction activities disturb the natural flow or bed of any stream, river, or lake. These permits also stipulate how stream water withdrawals may be conducted.	Fish Habitat Permit	All alternative corridors under consideration	Construction access	ADF&G/Habitat and Restoration Division 333 Raspberry Road Anchorage, AK 9958-1599
Sensitive Plant and/or Wildlife Species	A Special Areas Permit Application must be submitted for activities conducted in legislatively designated state game refuges, critical habitat areas, and state game sanctuaries.	Special Areas Permit	Potentially the Tesoro and Enstar routes	Applies to the ACWR	ADF&G/Habitat and Restoration Division 333 Raspberry Road Anchorage, AK 9958-1599

TABLE 4-7
PERMITS AND APPROVALS

Issue	Action Requiring Permit Approval or Review	Permit Approval or Review	Corridor Affected	Comment	Contact
Construction	ADNR must approve any plan to burn materials during fire season. The permit is issued by the State Forester or local rangers after review of burn plan.	Burn Permit	All alternative corridors under consideration	Applies to potential burning of slash in cleared right-of-way	DNR/Forestry Kenai-Kodiak Area Office HC 1 Box 107 Soldotna AK 99669
Construction	This permit is required if water withdrawals will occur during construction. The permit lasts for the length of a temporary project.	Water Rights or Temporary Water Use	All alternative corridors under consideration	Applies during construction	DNR/Water 3601 “C” Street, Suite 822 Anchorage, AK 99503
Municipality of Anchorage					
Right-of-Way	The Municipality of Anchorage will require Conditional Use Permits, concurrence with Section 404 Permits and platting requirements for right-of-way easements.	Land Use Permit Conditional Use Permit Zoning Changes	All alternative corridors under consideration	Specific permitting requirements will be determined once a route is selected for construction	Municipality of Anchorage Department of Community Planning & Development P.O. Box 196650 Anchorage, AK 99519-6650
Kenai Peninsula Borough					
Right-of-Way	The KPB will require Conditional Use Permits, concurrence with Section 404 Permits and platting requirements for right-of-way easements.	Right-of-Way Platting Conditional Use Permit	All alternative corridors under consideration	Specific permitting requirements will be determined once a route is selected for construction	Kenai Peninsula Borough 144 N. Binkley Street Soldotna, AK 99669
Other					
Right-of-Way	Approval would be required to locate a transmission line within, cross, or parallel to a railroad right-of-way.	Leasing of Alaska Railroad Corporation lands, Alaska Railroad Permit and Construction	All alternative corridors under consideration		Alaska Railroad Corporation 327 W. Ship Creek Ave Anchorage, AK 99501
Right-of-Way	Approval would be required to locate a transmission line across Cook Inlet Region, Inc. lands.	Leasing of Right-of-Way	Tesoro Corridor		Cook Inlet Region, Inc. 2525 C Street, Suite 500 Anchorage, AK 99509

TABLE 4-7
PERMITS AND APPROVALS